

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION        )  
OF EVOLUTION ENERGY PARTNERS LLC        )  
FOR A CERTIFICATE TO PROVIDE                )  
ELECTRIC SUPPLY SERVICES WITHIN        ) PSC DOCKET NO. 15-1128  
THE STATE OF DELAWARE (SUBMITTED        )  
JULY 16, 2015; FILED SEPTEMBER 30,        )  
2015)                                        )

**ORDER NO. 8794**

**ELECTRIC SUPPLIER CERTIFICATE**

This 6<sup>th</sup> day of October, 2015, the Public Service Commission (the "Commission") determines and orders the following:

**WHEREAS**, on September 30, 2015, Evolution Energy Partners LLC ("Evolution" or the "Company") filed a complete application (the "Application") pursuant 26 Del. C. §1001 - §1020, the Electric Utility Restructuring Act (the "Act"), and 26 Del. Admin. C. §3001, the Commission's Rules for Certification and Regulation of Electric Suppliers (the "Supplier Rules"),<sup>1</sup> seeking certification as a retail electric supplier in order to broker the sale or purchase of Electric Supply Service; and

**WHEREAS**, in the Application, the Company states it is seeking certification as a Broker<sup>2</sup> that will utilize appropriate energy procurement strategies to meet the needs of small commercial, large commercial, and industrial customers in Delaware; and

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<sup>1</sup> Unless otherwise noted, capitalized terms shall have the meanings ascribed to them in the Act and the Supplier Rules.

<sup>2</sup> Pursuant to §1001(3) of the Act, "Broker" is defined as a person or entity that acts as an agent or intermediary in the sale or purchase of, but that does not take title to, electricity for sale to retail electric customers." Although a Broker never takes "title" to any electric supply product, §1001(14) (c) of the Act deems a broker an "Electric Supplier."

**WHEREAS**, as more specifically detailed in its Memorandum to the Commission, the Commission Staff ("Staff") reports that the Application fulfills all of the requirements set forth in the Act and the Supplier Rules for an Electric Supplier Certificate to act as a Broker and that the Company has specifically presented substantial evidence supporting its financial, operational, managerial, and technical ability to operate as a Broker of Electric Supply Service within the State of Delaware. Therefore, Staff recommends that the Commission issue an Electric Supplier Certificate authorizing the Company to broker sales and customer purchases of Electric Supply Services in the State of Delaware;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE  
VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. Evolution Energy Partners LLC is hereby granted a certificate to do business and operate as an "Electric Supplier" (Broker) within the State of Delaware. Under this Electric Supplier Certificate, the Company is authorized to broker Electric Supply Service within the State of Delaware consistent with and in accordance with the Act and the Supplier Rules.

2. Evolution is hereby notified that a violation of any applicable order, statute, regulation, rule, or other controlling authority may be enforced by sanctions permitted by §§1012(a) and 1019 of the Act and §3001-10.2 of the Supplier Rules.

3. Evolution shall file such reports and pay such fees and assessments as may be required or imposed by 26 Del. C. §§114, 115 and 1012(c) (2) and §§3001-3.9 and 3.10 of the Supplier Rules.

4. Evolution consents to the jurisdiction of the courts of the State of Delaware for all acts or omissions related to its offering of Electric Supply Services in this State.

5. Evolution is hereby placed on notice that the costs of this proceeding will be charged to it pursuant to 26 *Del. C.* §114(b) (1).

6. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

**BY ORDER OF THE COMMISSION:**

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Chair

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Commissioner

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Commissioner

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Commissioner

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Commissioner

ATTEST:

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Secretary